

PATENT COOPERATION TREATY

**Sender: THE INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY**

PCT

NOTIFICATION OF TRANSMITTAL
OF INTERNATIONAL PRELIMINARY
REPORT
(Rule 71.1 PCT)

To: Hamann, Arndt SAURER GmbH & Co. KG Landgrafenstrasse 45 41069 Mönchengladbach GERMANY	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Date of mailing (Day/month/year) 04.05.2005</td> </tr> </table>	Date of mailing (Day/month/year) 04.05.2005	
Date of mailing (Day/month/year) 04.05.2005			
Applicant's or agent's file reference WS 2241.1 PCT	IMPORTANT NOTIFICATION		
International reference No. PCT/EP2004/010368	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"> International filing date (Day/Month/Year) 16.09.2004 </td> <td style="width: 50%;"> Priority date (Day/Month/Year) 16.10.2003 </td> </tr> </table>	International filing date (Day/Month/Year) 16.09.2004	Priority date (Day/Month/Year) 16.10.2003
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Applicant SAURER GMBH & CO. KG et al.			

1. The Applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the International Preliminary Report on patentability and its annexes, if any, established on the International Application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for Communication to all the elected Offices.
3. Where required by any of the elected offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those offices.
4. **REMINDER**

The Applicants must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the information sent by the International Bureau with form PCT/1B/301).

Where a translation of the International Application must be furnished to an elected Office, that translation must contain a translation of any annexes to the International Preliminary Report on patentability. It is the Applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices see Volume II of the PCT Applicant's guide.

The Applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purpose of International Preliminary Examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure of the invention and clarity and support for the claims.

Name and mailing address of the International Examining Authority: European Patent Office – P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk – Netherlands Tel. +31 70 340 -2040, Tx: 31 651 epo nl Fax: +31 70 340 – 3016	Authorised officer Adam, G Tel. +31 70 340 – 4133
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

Applicant's or agent's file reference WS 2241.1 PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International reference No. PCT/EP2004/010368	International filing date (Day/Month/Year) 16.09.2004	Priority date (Day/Month/Year) 16.10.2003
International Patent Classification (IPC) or national classification and IPC B65H63/06, D01H13/22, D02G1/16, G01B11/10, G01N21/89, G01N33/36		
Applicant SAURER GMBH & CO. KG et al.		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority according to Article 35 and transmitted to the Applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> A total of 2 sheets (<i>sent to the Applicant and to the International Bureau</i>), as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Sheets of the description, claims and/or drawing which have been amended and are the basis of this report and/or sheets containing rectifications authorised by this authority (see Rule 70.16 and Section 607 of the Administration instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> Sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the International Application as filed, as indicated in Item 4 of Box No. 1 and the supplemental box.</p> <p style="margin-left: 20px;">b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s), containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the supplemental box relating to the sequence listing (see Section 802 of the Administrative Instructions).</p>																										
<p>4. This report contains indications relating to the following items:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"><input checked="" type="checkbox"/></td> <td style="width: 20%;">Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinions with regard to novelty, inventive step and any industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>			<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinions with regard to novelty, inventive step and any industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the request 06.04.2005	Date of completion of this report 04.05.2005
Name and mailing address of the International Examining Authority: European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Netherlands Tel. +31 70 340-2040 Tx: 31 651 epo nl Fax: +31 70 340-3016	Authorised officer Passier, M Tel. +31 70 340-4872 <div style="text-align: right;">EPO stamp</div>

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International Application No. PCT/EP2004/010368

Box No. 1 Basis of the report

1. With regard to the **language**, this report is based on the International Application in the language in which it was filed, if nothing different is stated under this point.

- ☐ The report is based on a translation from the original language into the following language, which is the language of the translation, which has been filed for the following purpose:
- ☐ international search (according to Rules 12.3 and 23.1b)
 - ☐ publication of the international application (according to Rule 12.4)
 - ☐ international preliminary examination (according to Rules 55.2 and/or 55.3)

2. With regard to the **elements*** of the international application, the report is based on *(replacement sheets which have been furnished to the receiving office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, pages

2-5 in the originally filed version
1, 1a received on 15.03.2005 with the communication dated 11.03.2005

Claims, No.

Claims, No. 1-9 in the originally filed version

Drawings, sheets

Drawings, sheets 1/3-3/3 in the originally filed version

- ☐ a sequence listing and/or any related tables – see supplemental box relating to sequence listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ Description: page
- ☐ Claims: No.
- ☐ Drawings: Sheet/Figs.
- ☐ Sequence listing (*specify*):
- ☐ any tables relating to the sequence protocol (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered in the opinion of the authority to go beyond the disclosure as originally filed, as indicated in the supplemental box (Rule 70.2 c)).

- ☐ Description: page
- ☐ Claims: No.
- ☐ Drawings: Sheet/Figs.
- ☐ Sequence listing (*specify*):
- ☐ any tables relating to the sequence listing (*specify*):

* If Item 4 applies, some or all of the sheets may be marked "superceded".

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International Application No.
PCT/EP2004/010368

**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step
and industrial applicability; documents and explanations supporting such statement**

- | | | |
|----|-------------------------------|-------------------------------|
| 1. | Statement | |
| | Novelty (N) | Yes: Claims 1-9
No: Claims |
| | Inventive step (IS) | Yes: Claims 1-9
No: Claims |
| | Industrial applicability (IA) | Yes: Claims 1-9
No: Claims |

2. Documents and explanations (Rule 70.7):

see supplementary sheet

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(SUPPLEMENTARY SHEET)**

International Application No. PCT/EP2004/010368

Item V

1. Prior art

The following documents are cited:

D1: DE 100 26 389 A1
D2: US-A-3 303 698
D3: JP 02 221427 A
D4: JP 06 128821 A

2. Technical area

The invention relates to a method for determining the diameter and the length of the effects of a yarn.

3. Novelty and inventive step (Article 33(1), (2), (3) PCT)

1. The subject of **Claims 1 to 9** is novel for the following reasons and is based on an inventive step:
2. Document **D1** is regarded as the closest prior art. This document discloses that the beginning and the end of an effect are defined by meeting a first and a second diameter criterion. The effect length is determined from this beginning and end. A diameter average is formed with the aid of the values in the effect area.
3. The method according to **Claim 1** differs from **D1** in that a specifiable number of the largest diameters is determined between the beginning and end and in that the average is formed from these largest diameters determined. This average is specified as the diameter of the effect.
4. The problem is thereby solved of determining the effect diameter independently of natural diameter variations in the effect area.
5. A diameter determination of this type of effects is not known from any of the available documents (**D1 to D4**), nor is made obvious by them. **D1** does mention that the number of maximums and minimums in certain sections of the diameter signal are used, but only to allow a comparison with pattern signals. No mention is made of an average value formation with the aid of these maximums and minimums.

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(SUPPLEMENTARY SHEET)**

International Application No. PCT/EP2004/010368

6. The **Claims 2 to 9** are dependent on **Claim 1** and therefore also meet the requirements of the PCT with reference to novelty and an inventive step.
4. **Industrial applicability (Article 33(1), (4) PCT)**
The present invention is undoubtedly industrially applicable.